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1948. **File No.** O. BECCA/48
G-/A-41/48

Legal Department

G BRANCH

Subject:— Opinions on the cases under the Bombay Essential commodities and cattle (control) Act, 1946.

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C O N T E N T S.

Legal Department File No. C/B - C C A /48.

II

Sr. No.	N. */C.No.	Subject.	Pages.
		Opinions under the Bombay Essential Commodities and Cattle (Control) Act, 1946.	
1)	990 29-1-48.	Whether the order for release of 86 tons of groundnut oil cake issued by the Collector and Chairman, Rural Development Board, Jalgaon and ~~xx~~ approved later by Govt. is valid and can stand in a court of law. (copy not made)	1-2.
2)	1264 6-2-1948.	Code of Criminal Procedure, Section 5(2) Whether District Magistrate includes Addl. District Magistrate for the purpose of issuing licences or renewals under the Bombay Cotton cloth Trade Regulation Order, Bombay Hand Printers Licensing Order etc.	3-4.
3)	5138 31-5-1948.	Proposal to ban the movement of charcoal from Broach District to any place outside the said Distt. without a licence whether it is necessary to issue a separate notification in view of G.N.C.C.L. No. 455/IV dated 30-3-1946.	5-6.
4)	G/143 16-4-1948.	Section 10.- Whether a prosecution can be launched against any person for the contravention of any notification after the same has been cancelled. (copies not made),	7-8.
5)	8350 31-8-1948.	Whether any action can be taken against Mr. J. . Parikh the Proprietor of M/s British Engineering Co. for (1) black marketing in oil engines, (2) non-declaration and (3) disposal of stocks of oil engines without release orders. (copies not made)	9-10.
6)	G/678 26-11-1948.	.....Do.....Do.....	11-12.
7)	G/719 24-12-1948.	Section 4(2) Whether Govt. officers or Price Inspector are authorised to enter and search premises in respect of Govt. order No. 5IV dated 12th Dec. 1946 whereby maximum prices of matchboxes have been fixed and the dealer has also been prohibited to refuse to sell matches	13-16

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Office of the M.L.A.

Under section 10(2) of the Code of Criminal Procedure the Provincial Government may appoint any magistrate of the first class to be an Additional District Magistrate and such Additional District Magistrate under this Code or under any other law for the time being in force as the Provincial Government may direct. The powers under any other law need not necessarily be magisterial powers in the narrow sense of the term. No such limitation can be spelt out of the language of the section. The obvious intention of the section is that the Additional District Magistrate should be competent to exercise all powers which the District Magistrate exercises. Although, therefore, ordinarily the words "District Magistrate" occurring in the licensing Orders would not include an Additional District Magistrate, by virtue of section 10(2) it would be competent to the Additional District Magistrate to exercise the powers under such Orders provided the notification appointing the District Magistrate directs to thateffect.

Sd/- 5/2

Remembrancer of Legal Affairs.

M.F. to C.S.I. No. 1264, dated the 6th February 1948.

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Office of the I.L.A.

Under Government Notification, Civil Supplies Department No. 455/IV-D dated 30th March 1946 a ban is imposed on the movement of charcoal and firewood by sea from any place within the limits of the Province of Bombay to any place in India outside the said Province except under a licence. In the present case what is proposed to be banned is movement of charcoal from Broach District to Ahmedabad District and as both the places are in Bombay Province there is no restriction on such movement under the above said Notification.

Sd/- 29/5

Remembrancer of Legal Affairs.

U.O.T. to C.S.L. No. 5138 dated 31-5-1948.

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Office of the T.L.A.(G Br.)

The C.S.I. in their notes has stated that no orders have been issued under sub-section (2) of section 4 of the E.P.C. and C. (C) Act, 1946 authorising any officer of Govt. or any Price Inspector to enter and search premises in respect of the above named order and therefore the act of the Price Inspector in this particular case in entering the premises and taking search was unauthorised and the action of the Price Inspector in entering the premises and taking a search is therefore vitiated with illegality. The Govt. therefore desires to instruct the D.M., East Khandesh to withdraw the prosecution if the T.L.A. agrees with the view expressed above by the C.S.I.

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